

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**HILDA SOLIS,¹ Secretary of Labor,
United States Department of Labor,**

Plaintiff,

vs.

**INFINIA HEALTHCARE COMPANIES,
LLC, and
INFINIA AT FLORENCE HEIGHTS, INC.,**

Defendants.

8:09CV27

ORDER

This matter is before the court *sua sponte*, pursuant to [NECivR](#) 41.1, which states in pertinent part: “The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence.” The record reveals the complaint was filed on January 16, 2009. **See** [Filing No. 1](#) - Complaint. The government filed a waiver of service for both defendants. These waivers were sent on January 27, 2009, and executed shortly thereafter. **See** Filing Nos. [4](#) and [5](#). Under the terms of the waivers, the defendants had until on or about March 30, 2009, to file answers to the complaint. No other action has taken place in this matter. It remains the plaintiff’s duty to go forward in prosecuting the case by, for example, filing a motion for the Clerk’s entry of default pursuant to [Fed. R. Civ. P. 55](#) and [NECivR](#) 55.1(a). Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on April 23, 2009**, to file a motion for Clerk’s entry of default or show cause why this case should not be dismissed for failure to prosecute the defendants.

Dated this 7th day of April, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

¹Pursuant to [Rule 25\(d\)](#) of the Federal Rules of Civil Procedure, Hilda Solis is automatically substituted for Elaine L. Chao as the plaintiff.